



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

MW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,264	07/02/2001	Kiyoshi Kamitani	Q64664	7751

7590

01/09/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

FLETCHER III, WILLIAM P

ART UNIT	PAPER NUMBER
----------	--------------

1762

8

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,264

Applicant(s)

KAMITANI, KIYOSHI

Examiner

William P. Fletcher III

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002 (Paper No. 7).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9, 12-14 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 12-14 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED OFFICE ACTION

I. Receipt of Response

5

The examiner acknowledges receipt of applicant's response filed 05 November 2002, made of record in this file as Paper No. 7.

10 II. Response to Amendment

Applicant's amendment in Paper No. 7 cancelled claims 4, 7, 8, 10, 11, 15, and 16, amended claims 1, 2, 3, 9, 12, and 17, and added new claims 18 - 25. Claims 1 - 3, 5, 6, 9, 12 - 14, 15 and 17 - 25 are pending, of which claims 1 and 12 are independent. The examiner determined that the amendment introduces new matter (see below).

III. Response to Arguments

20

Applicant's arguments in Paper No. 7 have been fully considered. The examiner's response are set forth below:

1. Applicant traversed the rejection of claim 1 on the grounds that Ogawa et al. do not teach the added limitation: "changing a condition of heating of the second heating means while the support is being conveyed." The examiner concurs with applicant's assessment and new grounds of rejection are set-forth below.

2. Applicant traversed the rejection of claim 12 on the grounds that the claim has been re-written in independent form to incorporate subject matter indicated allowable in the prior Office action (Paper No. 5). While it is the examiner's position that this subject matter is still allowable over the prior art, the amendment to claim 12 raises issues under both the 1st and 2nd Paragraphs of 35 U.S.C. § 112 (see below).

IV. Rejections under 35 U.S.C. § 112, 1st Paragraph

The following is a quotation of the first paragraph of 35

U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set

forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 12, 13, and 18 - 25** are rejected under 35
5 U.S.C. § 112, first paragraph, as containing subject matter
which was not described in the specification in such a way
as to reasonably convey to one skilled in the relevant art
that the inventor(s), at the time the application was
filed, had possession of the claimed invention.

10
Claim 12 recites "...supplying a plurality of supports that
have different dimensions..." in line 3 of the claim. There is no
literal support for this limitation in the originally-filed
application. Originally-filed claim 12 read:

15 A method for manufacturing a lithographic printing plate
according to claim 1, wherein in a case in which thicknesses and
widths of supports supplied to the second heating means
continuously change, a condition of heating the supports and
20 photosensitive coated layers by the second heating means changes
in accordance with the thicknesses and the widths of the
supports.

This claim, having its antecedent basis at p. 12 of the
specification, merely recites that the thicknesses and widths of
25 the supports supplied change. This does not reasonably convey
that the inventors had possession of a method in which a
plurality of supports are supplied or that the supports have

different dimensions ("dimensions" being inclusive of other than just thickness and width).

New claim 23 recites:

5 A method for manufacturing a lithographic printing plate
according to claim 1, wherein the second heating means is a
plurality of drying devices which are disposed along a conveying
path of the support, and amounts of heat supplied by the
10 plurality of heating devices are respectively controlled in
accordance with changes in dimensions of the supports.

Page 14 of the specification and claim 13 provide literal
support for this claim in the originally-filed application, but
also require that supports of differing thicknesses and widths
15 be supplied. In other words, there is literal support for a
claim reciting a plurality of drying devices depending from
claim 12, but not from claim 1.

V. Rejections under 35 U.S.C. § 112, 2nd Paragraph

20

The following is a quotation of the second paragraph of 35
U.S.C. § 112:

25 The specification shall conclude with one or more claims
particularly pointing out and distinctly claiming the subject
matter which the applicant regards as his invention.

<p>2. Claims 12, 13, 18 - 22, 24, and 25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for</p>

failing to particularly point out and distinctly claim the
subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the support" in line 7 of
5 the claim. There is insufficient antecedent basis for this
limitation in the claim.

Claim 12 recites the limitation "the thicknesses" in line
11 of the claim. There is insufficient antecedent basis for
10 this limitation in the claim.

Claim 12 recites the limitation "the widths" in line 11 of
the claim. There is insufficient antecedent basis for this
limitation in the claim.

15

VI. Rejections under 35 U.S.C. § 102

The rejections under this heading in Paper No. 5 are
withdrawn.

20

VII. Rejections under 35 U.S.C. § 103

The rejections under this heading in Paper No. 5 are withdrawn.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 3, 6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa et al. {US 5,077,912} in view of Matsuda et al. {US 5,675,913}.

With respect to claim 1, Ogawa et al. disclose a method for drying a photosensitive coating that has been coated on a metal support [c. 1, ll. 6 - 10]. The reference teaches that the photosensitive coating material is produced by dissolving the material in an organic solvent, which is then coated onto the support [c. 1, ll. 16 - 19]. Ogawa et al. teach that the coating is dried by first hot air drying the coating so that the

coating is set-to-touch and then further drying the coating by heating roll drying [c. 1, ll. 54 - 62].

Ogawa et al. do not teach changing a condition of heating of the second heating means while the support is being conveyed.

5 Matsuda et al. teach a method similar to that of Ogawa et al. in that a photosensitive coating on a support is dried in a two-step drying process utilizing both hot air and heating rollers [abstract]. Matsuda et al. teach that it is advantageous to control the temperature of the heating rollers
10 such that the temperature is reduced during a standby period (i.e., when no coated substrate is being dried by the rollers) and, as the photosensitive material is conveyed to a predetermined position, the temperature of the rollers is raised to a predetermined temperature [c. 2, ll. 3 - 8]. Doing so
15 eliminates overheating of other components of the coating apparatus and reduces energy consumption (and, thereby, cost) [c. 1, l. 57 - c. 2, l. 2].

It would have been obvious to one of ordinary skill in the art to modify the method of Ogawa et al. so as to raise the
20 temperature of the heating rollers from a lower standby temperature to a predetermined temperature, while the support is being conveyed, as suggested by Matsuda et al. One of ordinary skill in the art would have been motivated to do so by the

desire and expectation of reducing overheating, energy consumption, and cost, as described above.

The examiner acknowledges that Matsuda et al. teach a process in which the coated support is first dried by heating
5 rollers and then by hot air, the reverse of Ogawa et al. It is the examiner's position that the teaching of Matsuda et al. regarding temperature control of heating rollers is broadly applicable to any method involving heating rollers generally and heating rollers in combination with hot air in particular.

10

With respect to claim 2, Ogawa et al. teach that the hot air is supplied at a temperature of lower than 150 °C [c. 2, ll. 25 - 27].

15 With respect to claim 3, Ogawa et al. teach that the coating material is set-to-touch, meaning that it does not adhere to a finger, after the hot air drying step [c. 2, ll. 4 - 10]. However, Ogawa et al. do not specifically teach the amount of organic solvent remaining in the coating layer. The amount
20 of remaining solvent is a result-effective variable. If the amount of organic solvent remaining in the coating is too high, the coating material will not be set/dry to touch. Therefore, it would have been obvious to one of ordinary skill in the art

to determine the amount of solvent remaining in the coating layer after the hot air drying process, taught by Ogawa et al., through routine experimentation, in the absence of unexpected results, and limit the amount of solvent remaining in the
5 coating layer so that the coating layer is set/dry to touch.

With respect to claim 6, Ogawa et al. do not teach utilizing an induction heater to heat the coating. However, the heating means for applicant's claimed process does not appear to
10 be critical. It is commonly known to utilize induction heaters in heating processes. Therefore, it would have been obvious to one of ordinary skill in the art to utilize an induction heater to heat the coating taught by Ogawa et al. in view of the knowledge that induction heaters are useful in heating
15 processes.

With respect to claim 9, Ogawa et al. do not teach the final temperature of the coating after the second heating means. However, this is a known result-effective variable. If the
20 final temperature is too high, the coating may degrade and become unusable. If the coating temperature is too low, the coating may not harden appropriately, thereby rendering it unusable. It would have been obvious to one of ordinary skill

in the art to determine an appropriate final temperature of the coating material after the second heating means, as taught by Ogawa et al., through routine experimentation, in the absence of unexpected results, and to choose a temperature that allows the
5 coating to fully cure without adversely effecting the coating.

3. **Claims 5 and 14** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa et al. {US 5,077,219} in view of Matsuda et al. {US 5,675,913}, as applied to claim
10 1 above, in further view of Kojima et al. {US 5,380,612}.

Ogawa et al. disclose a process for drying a coating on a support, as described above. Additionally, Ogawa et al. disclose that the coated support can be dried by blowing hot
15 air, irradiation of infrared light, or radiant heat plates [c. 1, ll. 19 - 23]. However, Ogawa et al. do not disclose this as the method for the second drying step. Kojima et al. teach that the means for heating the coated support are infrared heaters, panel heaters, or heat rollers. Therefore, it would have been
20 obvious to one of ordinary skill in the art to use either an infrared heater or radiant heat plates for the second drying step of the coating taught by Ogawa et al., in view of the

teachings of Kojima et al. that heat rollers are equivalent to infrared heaters and radiant heat panel heaters.

4. **Claim 17** is rejected under 35 U.S.C. § 103(a) as being
unpatentable over Ogawa et al. {US 5,077,912} in view of
Matsuda et al. {US 5,675,913}, as applied to claim 1 above,
in further view of Gandini et al. {US 6,270,938}.

Ogawa et al. does not teach further processing the coated support by including an overcoat layer on the photosensitive coating. However, Gandini et al. teach that the additional application of an overcoat layer is advantageous [c. 10, ll. 44 - 47]. It would have been obvious to one of ordinary skill in the art, in the absence of a teaching of Ogawa et al. as to further treating the coated support after the drying process, to look to prior art for additional treatments of the coated support and use the teachings of Gandini et al. that an additional application of a n overcoat is advantageous.

VIII. Pertinent Prior Art

The examiner makes the following prior art of record. This art has not been relied upon, but is considered pertinent to applicant's disclosure.

Böhnensieker {US 4,567,673} teaches the two-step drying of
5 a coated web first with hot air, then with heated rollers. See
c. 1, l. 1 - c. 2, l. 15.

Glover et al. {US 5,323,546} teaches the two-step drying of
photographic materials. The first step dries the material to a
moisture content less than the initial moisture content but less
10 than the final moisture content. See abstract and cc. 1 - 3.

IX. Conclusion

Applicant's amendment necessitated the new ground(s) of
15 rejection presented in this Office action. Accordingly, **THIS
ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
20 is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (703) 308-7956. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Application/Control Number: 09/895,264

Page 15

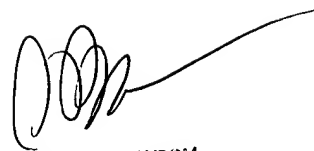
Art Unit: 1762

2nd Action

William Phillip Fletcher III
Patent Examiner
United State Patent & Trademark Office
Group Art Unit 1762

wpf

January 3, 2003



STEVEN P. BECK
SUPERVISOR OF PATENT EXAMINERS
TECHNOLOGY CENTER 1700